

## TEXT OF FINAL REGULATIONS

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Proposed additions are indicated by underline.  
Proposed deletions are indicated by ~~strikeout~~.

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### TITLE 3. CALIFORNIA CODE OF REGULATIONS DIVISION 1. ADMINISTRATION CHAPTER 1. GENERAL

Amend section 1.1 to read:

#### **1.1. Conflict of Interest Prohibition: ~~Economic Poisons~~ Pesticides.**

(a) Each officer and employee of the Department of Pesticide Regulation whose duties involve enforcement or execution of the ~~economic poisons~~ pesticide provisions of the Food and Agricultural Code shall comply with the Conflict of Interest Code provisions applicable to all Department employees. In addition, no such officer or employee shall hold any direct or indirect interest in the sale, manufacture, or distribution of any ~~economic poison~~ pesticide, as provided in this section.

(b) This section prohibits ownership of a financial interest in any business entity holding any of the following licenses or certificates:

(1) ~~Economic Poisons Registrant~~ Certificate of Pesticide Registration, Food and Agricultural Code Section ~~12755~~ 12815;

(2) ~~Economic Poisons License~~, Food and Agricultural Code Section ~~12811~~;

(3) (2) ~~Agricultural Pest Control~~ Business License, Food and Agricultural Code Section ~~11701~~ 11701;

(4) (3) ~~Pesticide~~ Pest Control Dealer License, Food and Agricultural Code Section ~~11407~~ 12101;

(5) (4) ~~Agricultural Pest Control Adviser~~ License, Food and Agricultural Code Section ~~11410~~ 12001;

(6) (5) Pest Control Aircraft Pilot's Certificate (or Apprentice Certificate) of Qualification, Food and Agricultural Code Sections ~~11901 and 11907~~;

(7) (6) ~~Structural Pest Control License~~ Company Registration, Business and Professions Code Section ~~8550~~ 8610.

(c) This section does not prohibit ownership of an interest in or securities of:

(1) A mutual fund or other investment company regulated pursuant to the Securities Act of 1933, the Investment Company Act of 1940, or comparable state or federal law, provided no interest is held as an officer or manager of the investment company or its adviser, and provided further the investment company does not specialize in securities of chemical companies.

(2) A business not included in subsection (b) that may sell ~~economic poisons~~ pesticides incidental to the sale of general merchandise, such as food markets, variety stores, department stores, and hardware stores, provided no interest is held as an officer or manager of the business.

(d) This section does not prohibit the ownership of bank accounts, annuities and similar interests in commercial banks, insurance companies and other state or federally regulated financial institutions that may hold or manage investments, provided the Department officer or employee has no direct authority over the investments.

(e) Lists of business entities regulated with regard to ~~economic poisons~~ pesticides, as designated in subsection (b)(1)-(6), shall be available in the Division licensing the business entities. Since the list of regulated companies is subject to change and security holdings may be affected by acquisitions, mergers and entry into new fields, Department officers and employees should review their holdings at least annually and at other times as circumstances require

NOTE: Authority cited: Sections ~~407 and~~ 12781, Food and Agricultural Code.

Reference: Sections ~~12751-12994~~ 12783, Food and Agricultural Code.

DIVISION 6. PESTICIDES AND PEST CONTROL OPERATIONS  
CHAPTER 2. PESTICIDES  
SUBCHAPTER 2. PESTICIDE REGISTRATION  
ARTICLE 1. GENERAL PROVISIONS

Amend section 6159 to read:

**6159. Data Requirements.**

The director finds that the data required by the United States Environmental Protection Agency (U.S. EPA) regulations governing pesticide registration, reregistration, and classification adopted in Title 40, Code of Federal Regulations pursuant to authority in the Federal Insecticide, Fungicide and Rodenticide Act substantially meet the data requirements of section 12824 of the Food and Agricultural Code, except as provided in this ~~S~~section and ~~S~~sections 6158, 6170, 6172, 6176-6179, 6180(a), 6181-6192, 6200, 6210, 6215, and 6222. Information meeting such regulations shall be supplemented as specified in this ~~S~~section and ~~S~~sections 6158, 6170, 6172, 6176-6179, 6180(a), 6181-6192, 6200, 6210, 6215, and 6222. Data waived by the U.S. EPA shall be submitted to the director except when the director makes a written finding that such data ~~is~~ are not required to meet the purposes of Sections 11501, 12824, 12825, 12826, 14102, or 14103 of the Food and Agricultural Code.

NOTE: Authority cited: Sections 11456 and 12781, Food and Agricultural Code. Reference: Sections 11501, 12824, 12825, 12826, 14102 and 14103, Food and Agricultural Code.

ARTICLE 2. REGISTRATION REQUIREMENTS

Amend section 6170 to read:

**6170. Application.**

(a) Each application for registration of a pesticide product shall be made on Form 39-030 (Rev. 01/90) prescribed by the director and described in ~~S~~section 6170.5. The application is incomplete unless accompanied by the fee required by section 12812 of the Food and Agricultural Code, six

copies of the product labeling, and the data required to be submitted by sections 6159, 6170, 6172, 6176-6179, 6180(a), 6181-6192, and 6200 when applicable to support registration of the product. All data submitted by the applicant to the U.S. EPA in support of federal registration of the product shall be submitted and all studies shall be submitted in full. The product labeling should be printer's proof, final labels or legible photocopies, thereof. If typescript labels are submitted with the application, printer's proof, final labels or legible photocopies, thereof, must be submitted before a Certificate of Registration (License) for the product will be issued. If the label has been approved by a federal agency, proof of such approval shall be submitted with the application.

(b) A request to amend the labeling (including special local needs labeling) of a pesticide product is incomplete unless accompanied by six copies of the labeling and the data required to be submitted by sections 6159, 6170, 6172, 6176-6179, 6180(a), 6181-6192, and 6200 when applicable to the amendment. The request to amend labeling shall be accompanied by all data submitted by the applicant to the U.S. EPA in support of federal amended labeling of the product and all studies shall be submitted in full. The product labeling should be printer's proof, final labels or legible photocopies, thereof. If typescript labels are submitted, printer's proof, final labels or legible photocopies, thereof, must be submitted before the amended label will be accepted for use. If the amended labeling has been approved by a federal agency, proof of such approval shall be submitted with the amendment request.

(c) In lieu of submitting data pursuant to subsections (a) and (b) of this section, the registrant may reference appropriate data previously submitted to the director by the registrant. Data previously submitted to the director may be used by any applicant when an authorization is submitted in writing to the department, by the owner of that data.

NOTE: Authority cited: Section 12781, Food and Agricultural Code. Reference: Sections 12811, 12812, 12815 and 12816, Food and Agricultural Code.

Amend section 6170.5 to read:

**6170.5. Application Form.**

The form referred to in section 6170(a) shall require registrants to provide the following information when applicable.

- (a) Firm name, (same as on file with the United States Environmental Protection Agency (U.S. EPA));
- (b) Firm mailing address and street address, if different from mailing address;
- (c) Name and telephone number of official authorized to answer questions concerning the application;
- (d) Brand name of pesticide product (exactly as shown on label);
- (e) U.S. EPA registration number of pesticide product;
- (f) Type of U.S. EPA registration obtained;
- (g) Type of California registration action being requested;
- (h) Whether pesticide product contains biochemicals and/or microbials;
- (i) Type(s) and size(s) pesticide product is to be sold in;
- (j) Whether pesticide product requires child-resistant packaging;
- (k) Signal word on label;
- (l) Specific gravity and pounds/gallon of liquid formulations;
- (m) Bulk density of solid formulations;

- (n) pH of water soluble formulations;
- (o) Flash point/flame extension of products containing more than 70 percent petroleum distillates;
- (p) Whether product is intended for commercial agricultural use and/or by householders;
- (q) Type of pesticide product;
- (r) Method(s) of application;
- (s) Type ~~for~~ of formulation;
- (t) Common chemical name, trade name and CAS number for each active ingredient in the formulation;
- (u) Product name(s) and U.S. EPA registration number(s) of the source product(s) of each active ingredient in the formulation;
- (v) Percent by weight of source product(s) and of active ingredient(s) in formulated product;
- (w) Common chemical name, trade name and the CAS number of each inert ingredient in the formulation (if reporting by trade name only, include Material Safety Data Sheet);
- (x) Product name(s) of the source product(s) of each inert ingredient in the formulation;
- (y) Purpose of each inert ingredient in formulated product;
- (z) Percent by weight of source product(s) and of the inert ingredient(s) in the formulated product.

NOTE: Authority cited: Section 12781 and 12845, Food and Agricultural Code. Reference: Sections 12811, 12815 and 12821, Food and Agricultural Code.

Amend section 6171 to read:

**6171. Document Requests.**

Each applicant shall, upon request of the director, submit to the director a copy of any part or all documents the applicant submitted to ~~or required by the U.S.~~ EPA in support of ~~such~~ the U.S. EPA action concerning the pesticide product. Each document request pursuant to this subsection shall include the director's reason for the request.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12824, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

Amend section 6179 to read:

**6179. Spray Adjuvants.**

Each applicant to register a spray adjuvant that is exempt from a tolerance pursuant to U.S. EPA regulations shall submit to the director acute toxicity data on the formulated product including oral, dermal and inhalation toxicity values, and the results of eye and skin irritation tests. If the director determines that the data indicate a risk of chronic effect, the applicant shall submit data relating to such chronic effect.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

Amend section 6184 to read:

**6184. Residue Test Method.**

(a) Each applicant for the registration of a pesticide product shall provide the director with a method and a standard sample for accurately determining residues of (1) each active ingredient in the pesticide product and (2) each metabolite that may result from the active ingredient for which a tolerance has been established by the U.S. EPA in the Code of Federal Regulations. Test methods shall allow the director to determine residues in or on plant or animal tissue, soil, and water.

(b) In the case of a pesticide intended for use on a food crop for which a residue tolerance has been established, the method shall allow the director to determine the residue on each crop within a continuous 24-hour period. Registration may be allowed for a reasonable time during which the applicant can comply with this subsection. The registration shall not be allowed to continue for more than 2 years without compliance with this subsection unless the applicant provides the director with an equally effective procedure for accomplishing the protection offered by the 24-hour method.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

Amend section 6185 to read:

**6185. Residue Data.**

Residue data required by ~~subsections~~ 6159(e) and ~~Section~~ 6181 shall be obtained under California or similar environmental use conditions. Such data shall take into consideration differences in plants, soils, climatic conditions, and application techniques.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12824, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

## ARTICLE 4. CONDITIONAL REGISTRATION

Amend section 6200(b), (c)(5), and (i) to read:

### **6200. Conditional Registration.**

The director may waive specific data requirements in this ~~article~~ subchapter for a period reasonably sufficient, not to exceed three years, for the generation and submission of such required data provided:

(a) The pesticide product is registered pursuant to the Federal Insecticide, Fungicide and Rodenticide Act, the product is to be used under a Federal Experimental Use Permit, or the product is for use in California only.

(b) The applicant has provided the director with all data the applicant has available required by the U. S. EPA and by this ~~article~~ subchapter to support registration of the pesticide product.

(c) No conditional registration shall be granted unless the data includes all of the following:

...

(5) Analytical methods to determine residues of (1) each active ingredient and (2) each toxic metabolite that may result from the active ingredient for which a tolerance has been established by the U.S. EPA in the Code of the Federal Regulations. Test methods shall, as applicable, allow the director to determine residues in or on plant tissue, soil, and water.

...

(i) Where the application is for a pesticide product containing a new active ingredient, the applicant has provided the director with the following data in addition to the data required by ~~Section~~ 6200(c), (1)-(6) when required by the U.S. EPA to support the full unconditional registration of the product pursuant to Section 3 of the Federal Insecticide, Fungicide and Rodenticide Act and when specifically requested by the director:

...

NOTE: Authority cited: Sections 11456 and 12781, Food and Agricultural Code. Reference: Sections 11501 and 12824-12825, Food and Agricultural Code.

## ARTICLE 5. EXEMPTIONS

Amend section 6206 to read:

### **6206. Section 18 Exemptions.**

The director may apply to the U.S. EPA for a Section 18 exemption, pursuant to the Federal Insecticide, Fungicide and Rodenticide Act, when he or she determines that a specific public health quarantine or crisis emergency exists that requires the use of an unregistered pesticide and there is no feasible alternative to the exemption. In the case of Section 18 exemptions, the director may waive the data requirements in this ~~article~~ subchapter, but shall require the utilization of the best pest control methods and technology available including, but not limited to,

pest population monitoring, a determination of treatment thresholds, methods of application to protect human health and the environment, and limitations to mitigate adverse effects to nontarget organisms.

NOTE: Authority cited: Sections 11456, 12781 and 12824, Food and Agricultural Code.  
Reference: Sections 11501 and 12751-13102, Food and Agricultural Code.

## ARTICLE 6. REEVALUATION CRITERIA

Amend section 6222 to read:

### **6222. Reevaluation Data Requirements.**

(a) During ~~the~~ a reevaluation, the director shall require submission of all data required for registration of a new pesticide by the U.S. EPA and by ~~S~~sections 6159~~(e)~~, 6170, 6176-6179, 6180(a), 6181-6192, and 6200 which is relevant to the focus of the reevaluation and has not previously been submitted to the department. The director shall allow a reasonable time for the development and submission of such data, not to exceed a period of two years. Notwithstanding the lack of such data the director shall act expeditiously to protect against risks to human health and the environment.

(b) If information is obtained from an individual or organization indicating possible adverse effect from the use of a pesticide, the director shall respond in writing to the individual or organization indicating the reasons for his or her decision either to reevaluate or not reevaluate the pesticide registration based upon the information submitted.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

## ARTICLE 10. LABELING

Amend section 6243 to read:

### **6243. Scope of Labeling Requirements.**

The labeling requirements in this article shall provide that pesticide products registered by the director meet, but not exceed, current U.S. EPA labeling requirements. The labeling requirements in this article shall apply equally to pesticide products currently registered by U.S. EPA and submitted to the director for registration, and those requiring registration only pursuant to ~~S~~section 12811 of the Food and Agricultural Code.

NOTE: Authority cited: Sections 11456 and 12781, Food and Agricultural Code.  
Reference: Sections 12751-13102, Food and Agricultural Code.

## ARTICLE 12. CONSULTATION AND PUBLIC REVIEW

Amend section 6254 to read:

### **6254. Public Report.**

Each public report shall include a description of the proposed action, a statement of any significant adverse environmental effect that can reasonably be expected to occur, directly or indirectly, from implementing the proposal, and a statement of any reasonable mitigation measures that are available to minimize significant adverse environmental impact.

Each public report shall also contain a statement and discussion of reasonable alternatives which would reduce any significant environmental impact. The public report may be included in the notice of proposed decision. The director may develop a schedule of actual cost for the reproduction of public reports to be charged to those requesting copies.

(a) The director shall not approve an activity which would cause a significant adverse environmental impact if there is a feasible alternative or feasible mitigation measure available which would substantially lessen any significant adverse impact which implementation of the proposal may reasonably be expected to have on the environment.

(b) ~~Written Response Evaluation.~~ The final action taken in regard to a decision subject to this section in which a significant adverse environmental point is raised during the evaluation process shall include a written evaluation of such points approved by the director.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

Amend section 6255 to read:

### **6255. Notice of Decision.**

A notice of each decision subject to this ~~section~~ article shall be filed within a week of its issuance with the Secretary of Resources for posting. Such notices shall be available for public inspection and shall remain posted for a period of 30 days.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

## ARTICLE 13. RESEARCH AUTHORIZATION

Amend section 6262 (a)(2)(C) to read:

### **6262. Application for Research Authorization.**

...

(C) U.S. EPA registration number;

...

NOTE: Authority cited: Sections 11456, 12781 and 12976, Food and Agricultural Code. Reference: Sections 12995 and 14006.6, Food and Agricultural Code.